

Appl. No. 10/803,596
Amdt. Dated 02/17/05
Reply to Office Action of 11/17/04

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. Applicant has amended the claims to overcome the rejections found on page two of the examiner's detailed action as helpfully cited by the examiner. Claims 14-18 have been canceled and new claim 19 has been added. In addition, applicant has amended the specification to specifically recite the structure of the "means plus function" recitations objected to by the examiner under 35 U.S.C. 112 and appearing in the independent claims. Applicant now believes the specification adequately enables a person having ordinary skill in the art to practice and use the claimed invention without undue experimentation.

The examiner has rejected claims 1-3, 6, 8-10, 13-15, and 18 under 35 U.S. C. 102 (b) as being anticipated by U.S. Patent No. 5,647,780 to Hosoi. Applicant presumes the examiner did not review claims 5, 7, and 12 on their merits because such claims are dependent upon rejected independent claims respectively. Applicant respectfully submits that claims 5, 7, and 12 are now in condition for allowance because their respective independent claims now satisfy 35 U.S.C. 112 and no prior art of record disclose all the recitations of dependent claims 5, 7, and 12. (See applicant's remarks herein below).

The examiner has further rejected claims 1,4,8,11,14 and 16 under 35 U.S.C.103 (a) as being unpatentable over U.S. Patent No. 5,647,780 to Hosoi. The examiner acknowledges Hosoi does not disclose a steering gear, as recited in applicant's dependent claims 4 and 11, however, the examiner argues it would have been obvious to one having ordinary skill in the art to modify Hosoi by providing a steering gear. In order to establish a prima facie case of obviousness under 35 U.S.C. § 103 (a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Applicant respectfully submits Hosoi discloses a steering cylinder operated and

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controlled by conventional means, not a steering gear (See Hosoi col. 3, lines 35-40). The steering gear of the present invention is included in the gimbal section, and not the steering cylinder, as proposed by the examiner. Therefore, any hypothetical combination of a conventional steering gear and the steering cylinder of Hosoi would not teach applicant's claimed invention.

Neither Hosoi nor any prior art of record disclose the combined teachings of an outdrive system capable of being radially rotated along a path extending at least 180 degrees, as recited in applicant's dependent claim 7, and a support means including a bracket including a plurality of elongated members spaced along the transom and converging rearwardly towards the outdrive system, as recited in applicant's dependent claims 5 and 12. Hosoi teaches away from the claimed invention because a radial rotation of the outdrive of Hosoi of at least 180 degrees is not possible. In particular, Hosoi teaches a suspension system for adjusting the tilt and lift positions of an outboard motor. Such tilt and lift positions are defined as angles alpha and beta, illustrated in FIG. 4 and explained in cols. 4 and 5. Such angles have a maximum range of motion of approximately +/- 25 degrees and preferably at least 15 to 20 degrees. Such alpha and beta range of motions do not teach the ability of Hosoi to rotate the outdrive along a radial of at least 180 degrees.

New independent claim 19 specifically recites the lower gimbal housing as being rotatable in vertical, horizontal and between forward/reverse directions respectively. Such independent movements are defined along an x-axis, y-axis, and z-axis respectively. Applicant respectfully submits no new subject matter has been introduced into the specification that would affect the statutory requirements for patentability with regards to new independent claim 19.

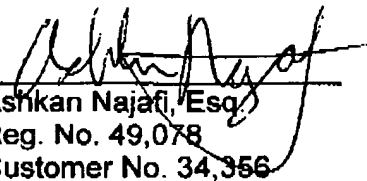
In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable with respect to the currently amended claims. All pending dependent claims necessarily include the limitations of their independent claims and therefore are also in condition for allowance. Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that

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such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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